

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRYAN KANU,	:	Case No. 1:18-cv-38
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
SIEMENS PLM SOFTWARE, <i>et al.</i> ,	:	
	:	
Defendants.		

**DECISION AND ENTRY
ADOPTING THE REPORTS AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 8, 13) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and submitted a Report and Recommendation (Doc. 8) recommending that Plaintiff’s complaint be dismissed. Plaintiff timely filed an objection.¹

¹ The objection argues that Plaintiff should be entitled to keep his *in forma pauperis* status because he plans to use his savings to pay tuition. (Doc. 10 at 13). The Magistrate Judge properly concluded that Plaintiff’s desire to “maintain his financial independence and/or to preserve his more than eight thousand dollars in savings” is not a sufficient basis to grant him pauper status. (Doc. 8 at 3). The objection repeatedly states in conclusory fashion that the Magistrate Judge erred in recommending dismissal, but does not offer any substantive, persuasive argument that the allegations of the Amended Complaint assert a plausible right to relief. Additionally, the objection’s reference to the Second Amended Complaint (Doc. 11) is improper because that pleading was not filed in accordance with Rule 15. Specifically, the Second Amended Complaint (Doc. 11) was not filed within the time limits allowed by Rule 15(a)(1), nor was it filed with leave of Court pursuant to Rule 15(a)(2). Accordingly, the Second Amended Complaint (Doc. 11) shall be **STRICKEN** from the docket.

After the Magistrate Judge recommended dismissal of Plaintiff's complaint, Plaintiff moved for leave to file an Amended Complaint. (Doc. 12). The Magistrate Judge subsequently issued a Report and Recommendation recommending Plaintiff's motion for leave be denied. (Doc. 13). Plaintiff filed another objection (Doc. 15), which again failed to offer any substantive, persuasive argument that the allegations of his proposed Amended Complaint state a plausible right to relief.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the aforementioned Reports and Recommendations should be and are hereby **ADOPTED** in their entirety. Accordingly:

1. The Reports and Recommendations (Docs. 8, 13) are **ADOPTED**;
2. Plaintiff's objections (Docs. 10, 15) are **OVERRULED**;
3. Plaintiff's *in forma pauperis* status is **REVOKED** based upon a lack of indigency;
4. Plaintiff's Second Amended Complaint (Doc. 11) is **STRICKEN** from the record. The Clerk is ordered to strike Doc. 11;
5. Plaintiff's Amended Complaint (Doc. 6) is **DISMISSED** with prejudice for failure to state a claim under Title VII or other federal law;
6. Plaintiff's motion for leave to file an Amended Complaint (Doc. 12) is **DENIED**;
7. Pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith. Accordingly, Plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals; and

8. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 2/19/19

s/ Timothy S. Black
Timothy S. Black
United States District Judge